

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EMILY DOVE FITZHUGH,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:18-cv-00620-YY

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Emily Dove Fitzhugh brought this action seeking review of the Commissioner's final decision denying his application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for an award of benefits, and entered Judgment on September 30, 2019.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). The parties have conferred and, after giving substantive consideration to the merits of Plaintiff's request for 406(b) fees, the Commissioner found no basis to object. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by

Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED as follows: Katherine L. Eitenmiller is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$10,476.80, which represents 25% of Plaintiff's total unpaid retroactive disability benefits in the amount of \$14,418.25, less the EAJA fee of \$3,941.45 previously received by Plaintiff's attorneys. Any fees withheld by the Commissioner in anticipation of an order under Section 406(b), less an administrative assessment pursuant to 42 U.S.C. 406(d), may be paid to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401, consistent with this order. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 19th day of October 2020.

/s/ Youlee Yim You
YOULEE YIM YOU
United States Magistrate Judge

Proposed Order submitted by:
Katherine L. Eitenmiller
HARDER, WELLS, BARON & MANNING, P.C.
474 Willamette Street
Eugene, OR 97401
(541) 686-1969
keitenmiller@hwbm.net
Of Attorneys for Plaintiff